

REMARKS

Claims 1-44 are remaining in this patent application. Claims 1, 4, 6, 10, 11, 15, 16, 17, 18, and 21 are amended, and Claims 41-44 are added. Applicants respectfully request reconsideration and review of the application in light of the foregoing amendments and following remarks.

At the outset, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 4-6, 8, 10-13 and 15-19, and the allowance of Claims 21-40. Applicants have amended Claims 4, 6, 10, 11, 15, 16, 17, and 18 to independent form, including all limitations of the base claim and any intervening claims. Accordingly, Applicants consider these claims to be in condition for allowance. Also, Applicants have amended Claim 21 to correct a minor typographical error.

The Examiner objected to Claims 2-20 and 22-40 as including the word "Claim" rather than "claim," and has requested correction of this informality. Applicants are aware of no requirement of the MPEP or other regulations that require the word claim be recited in lower case. Applicants respectfully request that this objection be withdrawn.

Before addressing the merits of the rejections based on prior art, Applicants provide the following brief description of the invention. The present invention is directed to a platform lift apparatus usable to safely move objects to and from an attic storage space. The platform lift apparatus includes three main components: a frame, a drive mechanism, and a platform. The frame has internal and external mounting surfaces, and is adapted to be mounted into a scuttle hole separating an attic space from a room below. The drive mechanism is substantially disposed within the frame and is coupled to the internal mounting surfaces. The drive mechanism includes a plurality of rotatable, parallel shafts with each shaft further including at least one lift drum having an associated lift tether at least partially wound thereon and having an end hanging therefrom. The platform is coupled to the ends of the lift tethers and is thereby suspended from the frame. The platform is selectively movable by operation of the drive mechanism within in a vertical dimension between raised and lowered positions.

The drive mechanism further comprises an electric motor operatively coupled to the plurality of parallel shafts.

The Examiner rejected Claims 1-3, 7, 14 and 20 under 35 U.S.C. § 102(b) as anticipated by Blasen. The Examiner also rejected Claims 1, 2, 9 and 14 under 35 U.S.C. § 102(b) as anticipated by Felt. These rejections are respectfully traversed.

Blasen discloses a cargo handling machine having a frame 12, an elevator 14 and a movable ground supporting structure 16. The frame 12 carries the elevator 14, and is coupled to the ground supporting structure 16. This way, the entire machine may be moved by use of the ground supporting structure 16 to a desired location, e.g., above a cargo hatch of a vessel, to permit the movement of cargo.

Felt discloses an elevator mechanism that has a frame formed of uprights 1, 2 that provide an axis for mechanical movement of a platform. The frame may be leaned against a structure onto which desired objects may be moved (see Figure 1), or alternatively, may be mounted onto a base 56 supported by casters 57 so that the elevator mechanism may be moved to a desired location.

The present invention differs from each of these earlier material handling devices by providing an embodiment that is specifically adapted to be fixedly installed into a horizontal support surface (e.g., ceiling below an attic space). More particularly, the frame includes an exterior mounting surface adapted to be engaged with a header formed in the horizontal support surface. When the lift platform is in the fully raised position, the platform will stow within the frame and thereby form a flush surface with the ceiling below. Moreover, since the drive mechanism is substantially contained within the frame, none of the volume of the attic space is taken up by the lift apparatus. Applicants have amended Claim 1 to clarify these aspects of the invention and distinguish over the references. Accordingly, these grounds of rejection should be withdrawn.

Thus, the Applicants respectfully submit that Claims 1-44 are in condition for allowance. Reconsideration and withdrawal of the rejections is respectfully requested, and a timely Notice of Allowability is solicited. To the extent it would be helpful to placing this application in condition for allowance, the Applicants encourage the Examiner to contact the undersigned counsel and conduct a telephonic interview.

To the extent necessary, Applicants petition the Commissioner for a two-month extension of time, extending to January 2, 2007, (the first business day following January 1, 2007), the period for response to the Office Action dated August 1, 2006. Our check in the amount of \$925. is enclosed for the two-month extension of time (\$225.) pursuant to 37 CFR §1.17(a)(2), for the later presentation of six (6) independent claims (\$600.) in excess of three, pursuant to 37 C.F.R. § 1.16(h), and for the later presentation of four (4) total claims in excess of twenty (\$100.), pursuant to 37 C.F.R. § 1.16(i). The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0639.

Date: January 2, 2007

Respectfully submitted,



Brian M. Berliner
Attorney for Applicants
Registration No. 34,549

O'MELVENY & MYERS LLP
400 So. Hope Street
Los Angeles, CA 90071-2899
Telephone: (213) 430-6000